

## **REMARKS**

### *A. Status of Claims and Specification*

Claims 1-17 were pending. Claim 17 has been amended. No new matter has been added. Claims 1-17 remain pending. The Specification has been amended to note the issuance of the parent case and to correct a typographical error.

### *B. The Objection to Claim 17 Is Overcome*

Claim 17 was objected-to for a typographical error, which has been corrected. Applicants respectfully request removal of this objection.

### *C. The Obviousness-Type Double Patenting Rejection over U.S. Patent No. 6,310,349 Is Overcome*

Claims 1, 5-7, 8, 12, 14, 15-17 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-12 of U.S. Patent No. 6,310,349. Applicants are filing a Terminal Disclaimer to overcome this rejection. As the Office and public should be aware, the filing of a terminal disclaimer does not create any estoppel or presumption regarding the merits of the rejection. *Quad Environmental Tech. Corp. v. Union Sanitary Dist.*, 946 F.2d 870 (Fed. Cir. 1991).

### *D. The Claim Objections Are Rendered Moot*

Claims 2-4, 9-11, 13 are objected-to as being dependent upon a rejected base claim. The Terminal Disclaimer overcomes the non-statutory double patenting rejection; therefore, claims 2-4, 9-11, 13 no longer depend on a rejected base claim.

*E. Conclusion*

Applicants respectfully assert that the application is in condition for allowance. If there are any questions about this response or this file, please contact the undersigned attorney at 512-536-3018 or by e-mail at mbarrett@fulbright.com.

Respectfully submitted,



Michael C. Barrett  
Reg. No. 44,523  
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201  
(512) 536-4598 (facsimile)

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